

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONATO BAILON YANES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C04-1887C  
(CR03-452C)

ORDER DENYING § 2255 MOTION

The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence, the government's response, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2255 motion (Dkt. #1) is DENIED.
- (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this 10<sup>th</sup> day of November, 2005.

  
UNITED STATES DISTRICT JUDGE

ORDER DENYING § 2255 MOTION